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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,642

06/23/2006

William G. Moulton

P-5936

1916

58233

7590

01/05/2009

David W. Highet, VP & Chief IP Counsel

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EXAMINER

HONG, JOHN C

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,642	Applicant(s) MOULTON, WILLIAM G.	
	Examiner JOHN C. HONG	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-5,9 and 22-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8,10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of claims 6-8 and 23-29 in the reply filed on 9/16/08 is acknowledged.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" has been used to designate both finger grip and proximal end (page 9). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO9924092 in view of US20060264828.

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Regarding Claim(s) 6, '092 teaches a method of forming a needle assembly comprising: providing a cannula having a sharp distal end and a proximal end; crimping the proximal end to seal the proximal end (Figs. 9 and 10; page 13 lines 15-18).

'092 fails to teach the steps of : inserting the cannula into a needle hub such that the proximal end of the cannula is disposed in a glue well of the needle hub; and inserting glue into the glue well; and curing the glue.

'828 teaches the steps of : inserting the cannula into a needle hub such that the proximal end of the cannula is disposed in a glue well (462) of the needle hub; and inserting glue into the glue well; and curing the glue (Fig 14c; [0176]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the steps of : inserting the cannula into a needle hub such that the proximal end of the cannula is disposed in a glue well (462) of the needle hub; and inserting glue into the glue well; and curing the glue on the method of '092 so as to secure the removed needle safely.

Regarding Claim(s) 10, '092 teaches a method of forming a needle assembly comprising: providing a needle cannula having a distal end and a proximal end; inserting the needle cannula into a needle hub; extending the proximal end of the needle cannula beyond the needle hub; crimping the proximal end of the needle cannula such that it is sealed and formed into a mechanical interlock at the proximal end (Figs. 9 and 10; page 13 lines 15-18).

'092 fails the teach the steps of : displacing the cannula distally such that the mechanical interlock is disposed within a glue well in the needle hub; and inserting glue into the glue well; and curing the glue with UV light.

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'828 teaches the steps of : displacing the cannula distally such that the mechanical interlock is disposed within a glue well in the needle hub; and inserting glue into the glue well (Fig 14c; [0176]).

The step of curing the glue with UV light is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the steps of displacing the cannula distally such that the mechanical interlock is disposed within a glue well in the needle hub; and inserting glue into the glue well, as taught by '828 on the method of '092 so as to secure the removed needle safely.

Regarding Claim(s) 7,8 and 11-21, all the steps are well known in the art and It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the well known steps on the method of "'092/'828 so as to secure the removed needle safely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN C. HONG whose telephone number is 571-272-4529. The examiner can normally be reached on M-F 9:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID BRYANT can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN C HONG/
Primary Examiner, Art Unit 3726

Jh
1/4/09